

REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance are requested. Claims 11, 12, 13, 15 and 16 remain pending with claim 11 being the sole independent claim. Claims 1-10, 14 and 17-23 have been canceled without prejudice or disclaimer. Claim 11 has been amended to further clarify the scope of that claim. No new matter has been added. Support for the amendments to claim 11 appears in the specification as originally filed, among other locations, at paragraphs [0036]-[0038] in the published application.

For the reasons set forth at pages 2-9, all pending claims stand rejected under 35 USC 103(a) as being unpatentable over various combinations of Criqui (US Patent App. 2002/0123344), Montebruno (US Patent App. 2004/0192198), and Douglas (US Patent 6,505,054). These rejections and their underlying rationale are traversed in their entirety.

As presented, independent claim 11 is directed to a method for high-speed broadband communicating for a mobile platform. The claimed method includes transmitting a first signal from a mobile communications terminal mounted in a vehicle to communicate with a base station via a first antenna at the mobile communications terminal and a satellite, and transmitting a second signal controlled by the base station from the base station to communicate with the mobile communications terminal via the satellite and the first antenna at the mobile communications terminal. The second signal, which is controlled by the base station in response to a data request contained in the first signal, uses a signaling rate in a range from 512 kbps and 3.5 Mbps, thereby enabling broadband communication with one or more individual data terminal devices in the vehicle. Importantly, *the first and second signals are transmitted on a same frequency and via a same transponder in the satellite.* The art of record – regardless of how it is hypothetically combined – fails to disclose or suggest the combination of features recited by claim 11.

Paragraph [0068] of Montebruno was originally cited by the Office, among other reasons, for its alleged disclosure of a first and second signal being transmitted on the same frequency. However, since applicant previously pointed out to the Office that “[t]here is nothing in paragraph [0068], or otherwise in Montebruno, that can reasonably be considered to explicitly teach the return signal and the forward link signal being transmitted on a same frequency and via

a same transponder in the satellite,”¹ the Office apparently has retreated from that erroneous position. Instead, the Office now asserts that “Criqui discloses a satellite transponder/transmitter and receiver that provides bi-directional communication (diagram and paragraph 23, lines 1-3) on a single frequency, because a single frequency corresponds to a transponder.”²

The Office’s assertion, however, is not only incorrect but also misses the point. Claim 11 recites that the claimed method is performed by transmitting the first and second signals on the same frequency and via *a same transponder in the satellite.*³ In contrast, Criqui is *absolutely silent* on the makeup of the satellite S used in its system. In particular, there is absolutely no disclosure in Criqui about transceivers *in the satellite*, much less the quantity of transceivers used in the satellite. Rather, the only disclosure of a transceiver in Criqui is transceiver T2, which resides in the aircraft AV and *not* in the satellite S. Even assuming *arguendo* that the box labeled T1, which Criqui refers to as being a “ground station,” is a transceiver, it resides in a GSM terrestrial cellular mobile telephone network R1 and *not* in the satellite S.

The other cited references – Montebruno and Douglas – similarly fail to disclose or suggest a method for high-speed broadband communicating for a mobile platform in which first and second signals are transmitted on a same frequency and via a same transponder in the satellite. Accordingly, the Office has failed to establish a *prima facie* case of obviousness and thus must withdrawal the outstanding rejection of claim 11.

The remaining claims each depends directly or indirectly from independent claim 11. Accordingly, these dependent claims are allowable for the reasons that claim 11 is allowable and for reciting allowable subject matter in their own right. Independent consideration and allowance of the dependent claims are requested.

It is believed that all of the outstanding issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or

¹ Request For Reconsideration filed May 21, 2008, at p.4

² Final Office Action mailed August 26, 2008, at p.3.

³ An embodiment of this “same transponder” feature is described in the specification, among other locations, at paragraph [0038] of the published application.

Applicant : Thomas E. Mullan et al.
Serial No. : 10/658,776
Filed : September 10, 2003
Page : 6 of 6

Attorney's Docket No.: 13586-0015US1 / VS-0241-US

other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,



Date: June 26, 2009

Charles N. Pateros
Reg. No. 50,677

ViaSat, Inc.
6155 El Camino Real
Carlsbad, California 92009
Telephone: (760) 476-2495

10928527.doc